

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

SHIRLEY BEST PIERCE,

Petitioner,

v.

CIVIL ACTION NO. 1:07-00680

AMBER NELSON, Warden,
FPC Alderson,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241. (Doc. No. 1.) By Standing Order entered August 1, 2006, and filed in this case on October 29, 2007, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation ("PF & R") on January 8, 2009, recommending that this court dismiss the Petition under 28 U.S.C. § 2241 and remove this matter from the court's active docket. (Doc. No. 13.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF & R.

Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has filed objections to the PF & R, and the time period for doing so has now elapsed.*

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the court hereby

(1) **CONFIRMS AND ACCEPTS** the findings and conclusions contained therein (Doc. No. 13); (2) **DISMISSES** the Petition (Doc. No. 1); and (3) **DIRECTS** the Clerk to remove this action from the court's active docket.

The Clerk is directed to forward copies of this Memorandum Opinion and Order to petitioner, pro se, and to all counsel of record.

It is **SO ORDERED** this 4th day of February, 2009.

ENTER:



David A. Faber
United States District Judge

* It appears that petitioner has failed to inform the court of her current address, as required by Local Rule of Civil Procedure 83.5, and that she did not receive the copy of the PF & R that was sent to her. (See Doc. No. 15.) In the event petitioner wishes to file objections to the PF & R at a future date, she should move the court to reopen her case.